

File No. WH-104-CM  
**ATTORNEY ID 050371991**  
FISHMAN MCINTYRE LEVINE SAMANSKY, P.C.  
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Fax: (973) 560-0060  
Attorneys for Defendants, Whole Foods Market Group, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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LEANN VASQUEZ	:	
Plaintiff	:	
vs.	:	CIVIL ACTION NO.
WHOLE FOODS MARKET GROUP, INC.,	:	
JOHN DOES 1-10 (fictitious names	:	
representing unknown individuals) and/or	:	
XYZ CORPS. 1-10 (fictitious names	:	
representing unknown corporations,	:	PETITION FOR REMOVAL
partnerships and/or limited liability	:	
companies or other types of legal entities)	:	
Defendants	:	

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Petitioner, Defendants, Whole Foods Market Group, Inc. by its attorneys, Fishman McIntyre Levine Samansky, P.C., respectfully petitions the United States District Court for the District of New Jersey as follows:

1. Defendants, Whole Foods Market Group, Inc. first received a copy of the Complaint on or about March 25, 2022 through their registered agent.
2. This case was commenced on March 23, 2022 in the Superior Court of New Jersey, Law Division, Bergen County Suit is identified in the Superior Court as Vasquez, Leann v. Whole Foods Market Group, Inc., Docket No. L-1664-22. (See Exhibit A)
3. The filing of this Petition for Removal is timely because it is filed within thirty days

of the date Defendants, Whole Foods Market Group, Inc. first received notice of the lawsuit.

4. The plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Bergen County, asserts damages of a non-specified amount. Plaintiff alleges in the Complaint that she was injured in and about her mind and body, was and will in the future be caused great pain and suffering to her mind and body. As such, Defendants, Whole Foods Market Group, Inc believes that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Defendants, Whole Foods Market Group, Inc. is informed and believes that Plaintiff, Leann Vasquez is an individual citizen of the State of New Jersey. Defendant/petitioner, Defendants, Whole Foods Market Group, Inc. is incorporated in the State of Delaware and its principal place of business is in the State of Texas. The action is therefore between citizens and a corporation of other states.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Defendants, Whole Foods Market Group, Inc. in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Bergen County, Docket No. L-1664-22, prays that this action be removed therefrom to this Court.

DATED: March 31, 2022

Defendants, Whole Foods Market Group, Inc.

BY:

Christopher E. McIntyre, Esq.

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Bergen, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.

BY:

Christopher E. McIntyre, Esq.

## **EXHIBIT A**

**Kelly A. Conlon, Esq. - 005242009**  
DAVIS, SAPERSTEIN & SALOMON, P.C.  
375 Cedar Lane  
Teaneck, New Jersey 07666-3433  
(201) 907-5000  
Fax: (201) 692-0444  
Attorneys for Plaintiff(s)

Leann Vasquez,

Plaintiff(s),

- vs -

Whole Foods Market Group, Inc., John Does 1-10 (fictitious names representing unknown individuals) and/or XYZ Corps. 1-10 (fictitious names representing unknown corporations, partnerships and/or Limited Liability Companies or other types of legal entities)

Defendant(s).

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

DOCKET NO: BER-L-

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff Leann Vasquez residing in the County of Bergen, 14-18 Fourth Street, Fair Lawn, New Jersey, 07410, by way of Complaint against the Defendants says:

FIRST COUNT

1. On or about February 21, 2021, the Plaintiff Leann Vasquez was a business invitee, lawfully upon the premises owned, operated, leased, controlled, supervised, managed, maintained and/or repaired and/or inspected by the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10, located at or near 300 Bergen Town Center, in the Borough of Paramus, County of Bergen, and the State of New Jersey.
2. Upon information and belief, at all relevant times herein mentioned, the Defendant Whole Foods Market Group, Inc. was a foreign profit corporation authorized to do business in the State of New Jersey, with its principal business address located in the County of Bergen, 905 River Road, Edgewater, New Jersey, 07020.
3. At the aforesaid time and place, due to the careless, reckless, and negligent, ownership, operation, lease, control, supervision, management and/or maintenance and/or repair and/or inspection of the premises by the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Leann Vasquez was caused to sustain severe personal injuries.
4. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Leann Vasquez was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend her usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Leann Vasquez demands judgment against the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10, individually, jointly or severally for damages together with interest and costs of suit.

SECOND COUNT

1. Plaintiff Leann Vasquez repeats each and every allegation of the First Count of the Complaint as if set forth at length herein verbatim.
2. At the aforesaid time and place, the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10 were independent contractors responsible for the upkeep and/or maintenance and/or repair and/or inspection of the aforementioned premises.
3. As a direct and proximate result of the careless, reckless, and negligent upkeep and/or maintenance and/or repair and/or inspection of the premises by the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Leann Vasquez was caused to sustain severe personal injuries.
4. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Leann Vasquez was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend her usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Leann Vasquez demands judgment against the Defendants Whole Foods Market Group, Inc., John Does 1-10 and/or XYZ Corps. 1-10 individually, jointly or severally for damages together with interest and costs of suit.

THIRD COUNT

1. Plaintiff Leann Vasquez repeats each and every allegation of the First and Second Counts of the Complaint as if set forth at length herein verbatim.
2. At the aforesaid time and place, the Defendant John Does 1-10 was an unknown person or persons whose actions caused and/or contributed, directly or indirectly, to the incident herein and the injuries and damages suffered by the Plaintiff Leann Vasquez.
3. At the aforesaid time and place, the Defendant XYZ Corps. 1-10 was an unknown business, corporation and/or entity, whose agents, servant and/or employee's actions caused and/or contributed, directly or indirectly, to the incident herein and the injuries and damages suffered by the Plaintiff Leann Vasquez.
4. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Leann Vasquez was caused to sustain severe personal injuries.
5. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of Defendants John Does 1-10 and/or XYZ Corps. 1-10, Plaintiff Leann Vasquez was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend to her usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Leann Vasquez demands judgment against the Defendants John Does 1-10 and/or XYZ Corps. 1-10 individually, jointly or severally for damages together with interest and costs of suit.

DAVIS, SAPERSTEIN & SALOMON, P.C.  
Attorneys for Plaintiff

*Kelly A. Conlon*

Dated: March 23, 2022

BY: Kelly A. Conlon, Esq.  
For the Firm

JURY DEMAND

Plaintiff demands a trial by jury on all issues raised in the various Counts of the Complaint.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1(b)(1), et seq., Plaintiff hereby demands that Defendants answer Form "C" Uniform Set of Interrogatories of Appendix II and supplemental Form "C2", within the time prescribed by the Rules of Court.

Plaintiff reserves the right to propound additional supplemental Interrogatories pursuant to the Rules of Court.

CERTIFICATION

I certify, pursuant to R.4:5-1, that to the best of my knowledge, information and belief at this time, the matter in controversy is not the subject matter of any other action pending in any other court, nor of any pending arbitration proceeding; that no other action or arbitration is contemplated; and that there are no other parties who should be joined in this action.

DAVIS, SAPERSTEIN & SALOMON, P.C.  
Attorneys for Plaintiff

*Kelly A. Conlon*

Dated: March 23, 2022

BY: Kelly A. Conlon, Esq.  
For the Firm

## Civil Case Information Statement

Case Details: BERGEN | CIVIL | Part: Docket# L-001664-22

**Case Caption:** VASQUEZ LEANN VS WHOLE FOODS  
MARKET G ROUP, INC

**Case Initiation Date:** 03/23/2022

**Attorney Name:** KELLY ANALIESE CONLON

**Firm Name:** DAVIS SAPERSTEIN & SALOMON PC

**Address:** 375 CEDAR LN

TEANECK NJ 07666

**Phone:** 2019075000

**Name of Party:** PLAINTIFF : Vasquez, Leann

**Name of Defendant's Primary Insurance Company**  
(if known): GALLAGHER BASSETT

**Case Type:** PERSONAL INJURY

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**  
**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Are sexual abuse claims alleged by:** Leann Vasquez? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

03/23/2022  
Dated

/s/ KELLY ANALIESE CONLON  
Signed

DAVIS, SAPERSTEIN & SALOMON P.C.  
375 Cedar Lane  
Teaneck, NJ 07666-3433  
(201) 907-5000  
Fax: (201) 692-0444  
Attorneys for Plaintiff

LEANN VASQUEZ,,

Plaintiff(s),

- vs -

WHOLE FOODS MARKET GROUP, INC.,  
JOHN DOES 1-10 (FICTITIOUS NAMES  
REPRESENTING UNKNOWN  
INDIVIDUALS) AND/OR XYZ CORPS. 1-10  
(FICTITIOUS NAMES REPRESENTING  
UNKNOWN CORPORATIONS,  
PARTNERSHIPS AND/OR LIMITED  
LIABILITY COMPANIES OR OTHER TYPES  
OF LEGAL ENTITIES)

Defendant(s).

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN

DOCKET NO. BER-L-1664-22

Civil Action

**SUMMONS**

**FROM THE STATE OF NEW JERSEY  
TO THE DEFENDANT (S) NAMED ABOVE:**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at

[http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

*/s/ Michelle M. Smith*

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MICHELLE M. SMITH, Clerk

Dated: March 24, 2022

Name of Defendant to be served: WHOLE FOODS MARKET  
820 Bear Tavern Road,  
West Trenton, NJ 08628